REMARKS

The Office Action mailed July 13, 2007 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Rejection(s) Under 35 U.S.C. § 103 (a)

Claims 65-71 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Fujita et al. (U.S. pat. no. 6,118,435) in view of Kwon (U.S. pat. no. 5,670,755). The Applicants respectfully traverse.

Specifically, the Office Action alleges that the elements and limitations are disclosed in Fujita except that it does not teach a first piezoelectric actuator directly coupled to the touch screen. The Office Action further alleges that Kwon teaches a driving circuit which apparently drives the touch panel having resistors connected to the resistive layer which is part of the touch panel. The Office Action then makes a conclusory statement that it would be obvious to one having ordinary skill in the art to incorporate Kwon into Fujita to reach the presently claimed subject matter. The Applicants respectfully disagree for the reasons set forth below.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. In re Vaeck, 947 F.2d 488 (Fed. Cir. 1991).

In determining obviousness four factual inquiries must be looked into in regards to determining obviousness. These are determining the scope and content of the prior art; ascertaining the differences between the prior art and the claims in issue; resolving the level of ordinary skill in the pertinent art; and evaluating evidence of secondary consideration. Graham v. John Deere, 383 U.S. 1 (1966); KSR Int'l Co. v. Teleflex, Inc., No 04-1350 (U.S. Apr. 30, 2007) (" Often, it will be necessary . . . to look into related teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the

background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an **apparent reason** to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis **should be made explicit**.") (emphasis added).

In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. Stratoflex, Inc. v. Aeroquip Corp., 713 F.2d 1530 (Fed. Cir. 1983). Thus, when considering the whole prior art reference its entirety, portions that would lead away from the claimed invention must be considered. W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540 (Fed. Cir. 1983), See M.P.E.P. 2141.02. Thus, it is improper to combine references where the references teach away from their combination. In re Grasselli, 713 F.2d 731 (Fed. Cir. 1983).

Kwon merely describes an information input apparatus which functions as a touch panel and a digitizer. There is absolutely no mention in Kwon of a piezoelectric actuator nor any other mechanism directly coupled to the touch screen for outputting a haptic force. The only portion of Kwon referred to in the Office Action is that of Figure 1, which expressly states, "FIG. 1 shows the structure and driving method of a conventional touch panel." The "driving circuit" referred to Kwon only serves to operate the touch panel and nothing else, whereas the driving portion 5 in Fujita displaces the touch screen. There is no other information in Kwon which would lead one skilled in the art to modify the Fujita device to reach the presently claimed subject matter. The passage referred to by the Office Action in Kwon provides nothing more than what the state of the art of conventional touch panels were as of the filing date of the Kwon application. Furthermore, if one skilled in the art were to combine Fujita with Kwon, the combination would not teach or suggest each and every element/limitation in Claim 65, which is required to establish a prima facie case of obviousness. In particular, it is admitted in the Office Action that Fujita does not teach a piezoelectric actuator directly coupled to the touch screen and Kwon does not provide any motivation where the combination of both references teaches or suggests all the elements/limitations in Claim 65. For at least these reasons, Claim 65 is patentable over Fujita and Kwon, and allowance is respectfully requested.

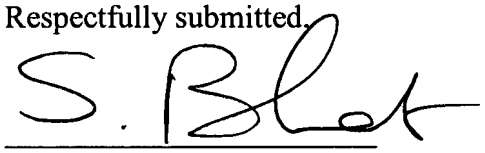
Conclusion

It is believed that this reply places the above-identified patent application into condition for allowance. Early favorable consideration of this reply is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicants respectfully request that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,



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